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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/542,159	04/04/2000	Allen Havemose	AMI 99 0005	6141

32718 7590 02/25/2004

GATEWAY, INC.  
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EXAMINER

OPIE, GEORGE L

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 02/25/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/542,159	Havemose	
	Examiner	Art Unit	
	George L. Opie	2126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

#### Status

- 1) ☒ Responsive to communication(s) filed on 3 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 5-10, 12 and 14-18 is/are pending in the application.
- 4a) Of the above claim(s) ☐ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ☐ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5-8, 10, 12 and 14-17 is/are rejected.
- 7) ☒ Claim(s) 9 and 18 is/are objected to.
- 8) ☐ Claim(s) ☐ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ☐ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ☐ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) ☐.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

#### Attachment(s)

- 14) ☒ Notice of References Cited (PTO-892)
- 15) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ☐
- 17) ☐ Interview Summary (PTO-413) Paper No(s) ☐
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☒ Other: USP6,185,609

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## DETAILED ACTION

1. The Request for Continued Examination, filed on 3 December 2004, is acceptable and an RCE has been established.

2. This Action is responsive to Amendment B, filed 3 December 2004, in which claims 1 & 10 were amended, and claims 2, 4, 11, 13 and 19-20 were cancelled.

The Office acknowledges Applicant's inclusion of an electronic copy of the amendment on a 3½inch floppy disk, and the Office would like to thank Applicant for submitting the amendment in electronic form to expedite its processing.

3. Allowable Subjectmatter

Claims 9 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of each claims respective base claim and any intervening claims.

**4. Descriptive Title Required**

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. MPEP606.01

5. The U.S. Patents used in the art rejections below have been provided as text documents which correspond to the U.S. Patents. The relevant portions of the text documents are cited according to page and line numbers in the art rejections below. For the convenience of Applicant, the cited sections are highlighted in the *text documents*. Consistent with Office procedure, the U.S. Patents corresponding to the *text documents* are also included with this action.

6. Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 1, 3, 5-6, 10, 12 and 14-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nessett et al. (u.S. Patent 5,727,145) in view of Rangarajan et al. (U.S. Patent 6,185,609).

As to claim 1, Nessett teaches a method for providing distributed functionality over a network (distributed object computing system, p5 7-24) comprising:

receiving a request to perform a task on a first digital information appliance (request ... the client, p8 5-16) the task requiring a resource not included on the first digital information appliance (reference in order to communicate with a target object in a remote server, p13 29-43)

locating a second digital information appliance over a network (client performs a locate operation ... indicative of ... an object server identifier, p3 14-57) the second digital information appliance including the resource (servant (target object), p5 7-24)

transferring the request From the first digital information appliance to the second digital information appliance (marshal and physically transport information to and from servant objects, p8 5-16) so as to enable the task to be performed on the second digital information appliance (desired servant object on its host machine, p9 23-37)

returning a result of the performed task by the second digital information appliance to the first digital information appliance (transport mechanisms and facilities necessary to ... return a response to the client, p5 7-24)

wherein the request is received by a first program object on the first digital information appliance and the task is performed by a second program object on the second digital information appliance (client 20 receives a request which is transmitted to the target object for execution on the remote machine, p5 7-24)

wherein locating includes utilizing an architecture administrator (ORB, p5 7-40) capable of at least one of finding and creating an instance of the second program object (ORB locates the appropriate server and, if necessary it operates to start up this server process, p14 1-12).

Nessett does not explicitly disclose the additional limitations detailed below.

Rangarajan (p6 39 – p7 5) teaches the architecture administrator (JMA dispatcher 221 ) only controls launch of the program objects (client communicates with JMA 221 to creates server objects). It would have been obvious to combine Rangarajan's teachings with Nessett because the Java

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management architecture's "use of a thin-class", p10 13-52 would conserve computing resources as the "invocation process 1100 completes " upon delivery of the desired object, thereby providing Nessett's system with a low-overhead routine it could incorporate for optimizing the object instantiation service.

As to claim 3, Nessett (p5 27-47) teaches the interface dynamic base object and the implementation dynamic base object as recited.

As to claim 5, Nessett (p17 32-40) teaches that "[e]mbodiments of the present invention ... may be specially constructed for the required purposes".

As to claim 6, Nessett (p14 1-12) teaches "if it is determined that the identified server is already running, then control moves directly to step 310."

As to claims 10, 12 and 14-15, note the rejections of claims 1, 3 and 5-6 above. Claims 10, 12 and 14-15 are the same as claims 1, 3 and 5-6, except claims 10, 12 and 14-15 are apparatus claims and claims 1, 3 and 5-6 are method claims.

8. Claims 7-8 and 16-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nessett in view of the APA.

As to claim 7, the APA teaches "purchases of goods and services are becoming common over the INTERNET." These "on-line" transactions include billing information, and it would have been obvious to combine/ encapsulate this in Nessett's client/server object processing, thereby computing the costs concomitant with the requested operations.

As to claim 8, see the discussion of claim 3 supra.

As to claims 16-17, note the rejections of claims 7-8 above. Claims 16-17 are the same as claims 7-8, except claims 16-17 are apparatus claims and claims 7-8 are method claims.

#### **9. Response to Applicant's Arguments:**

Applicant's remarks filed with Amendment B have been considered but are deemed to be moot in view of the new ground(s) of rejection. Applicant's amended claims have added limitations not previously recited, thus, requiring new grounds of rejection.

As to the newly amended feature of "the architecture administrator only controls launch of the program objects", it is now met by the teachings of the Rangarajan reference as discussed supra.

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**10. Request for copy of Applicant's responses on floppy disk:**

Please help expedite the prosecution of this application by including, along with your amendment response in paper form, an electronic file copy in WordPerfect, Microsoft Word, or in ASCII text format on a 3½ inch IBM format floppy disk.

Please include all pending claims along with your responsive remarks. Only the paper copy will be entered -- your floppy disk file will be considered a duplicate copy. Signatures are not required on the disk copy. The floppy disk copy is not mandatory; however, it will help expedite the processing of your application. Your cooperation is appreciated.

**11. Contact Information:****PTO Policy for Facsimile Submissions:**

- ☐ AFTER-FINAL faxes must be signed and sent to (703) 746-7238.
- ☐ OFFICIAL faxes must be signed and sent to (703) 746-7239.
- ☐ NON OFFICIAL faxes should be sent to (703) 746-7240.
  
- ☐ All responses sent by U.S. Mail should be mailed to:  
**Commissioner for Patents**  
**PO Box 1450**  
**Alexandria, VA 22313-1450**
  
- ☐ Hand-delivered responses should be brought to Crystal Park Two, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist). All hand-delivered responses will be handled and entered by the docketing personnel. Please do not hand deliver responses directly to the Examiner.
  
- ☐ Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at **(703) 305-9600**.
  
- ☐ Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Opie at (703) 308-9120 or via e-mail at *George.Opie@uspto.gov*. Internet e-mail should not be used where sensitive data will be exchanged or where there exists a possibility that sensitive data could be identified unless there is an express waiver of the confidentiality requirements under 35 U.S.C. 122 by the Applicant. Sensitive data includes confidential information related to patent applications.



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